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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/627,988	07/28/2003	Christoph Leinders	32368-189829	4269
26694	7590	10/27/2004	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP			WELCH, GARY L	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20043-9998			PAPER NUMBER	

3765

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/627,988

**Applicant(s)**

LEINDERS, CHRISTOPH

**Examiner**

Gary L. Welch

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29, 31-43 and 48 is/are rejected.
- 7) ☒ Claim(s) 30, 44-47 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07282003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because reference character "4b" in Figures 8a and 8b should be changed to --41b-- (see page 15, line 17).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: It appears that reference character --36-- should be inserted after "lid" on page 14, line 20.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-22, 26-29, 31-39 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Roder (U.S. 5,953,793).

Roder discloses an apparatus on a draw frame for textile fiber slivers, having weighted top rollers for the drawing system, the apparatus comprising: successively arranged pairs of rollers (1-4;I-III), each pair of rollers having a bottom roller (I-III) and a top roller (1-4); a plurality of pressure arms 12, each pressure arm having weighted pressure elements (9a, 9b) for pressing one of the top rollers against its corresponding bottom roller during operation, each pressure arm 12 being positioned so as to one rotate and pivot together with its pressure elements (9a, 9b) around one of a rotating bearing and a pivot bearing 32; and a plurality of supporting elements 12"', each supporting element 12''' connecting the pressure elements (9a, 9b) associated with one of the top rollers, wherein the pressure elements are removable (Figure 3b).

With regard to claim 2, each pressure element (9a, 9b) comprises a reciprocating member (18, 19).

With regard to claim 3, each pressure element (9a, 9b) is a pneumatic cylinder of rectangular cross-section.

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With regard to claim 4, a pressure device comprises one of the pressure arms 12, two of the pneumatic cylinders (9a, 9b) and one of the supporting elements 12".

With regard to claim 5, one of the pressure elements 9b is associated with a first end region of each top roller and another of the pressure elements 9a is associated with a second opposed end region of each of the top rollers.

With regard to claim 6, the pressure elements (9a, 9b) structurally support the supporting element 12".

With regard to claim 7, a first pressure element 9b is mounted at the pivot bearing 32.

With regard to claim 8, the pivot bearing 32 is located in a lower region of the first pressure element 9b.

With regard to claim 9, the pivot bearing 32 is located in a lower cover element of the first pressure element 9b.

With regard to claim 10, the pressure device is one of rotatable and pivotable about one of the center of rotation and a pivot bearing associated with a first pressure element 9b and the apparatus further comprises a locking device (26, 30) in the vicinity of a second pressure element 9a for locking the pressure element in position on the top roller (Figures 3a-3d).

With regard to claim 11, the second pressure element 9a has a lower cover element and the locking device (26, 30) is provided on the lower cover element.

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With regard to claim 12, the supporting element 12''' is mounted on pressure elements (9a, 9b) at or in the vicinity of upper ends of the pressure elements.

With regard to claim 13, the supporting element 12''' is hollow (Figure 5).

With regard to claim 14, the supporting element 12''' forms a compressed air channel and the pressure elements (9a, 9b) are pneumatic cylinders which are in communication with the compressed air channel.

With regard to claim 15, the pressure elements (9a, 9b) are arranged perpendicular to the supporting element 12'''.

With regard to claim 16, the pressure elements (9a, 9b) are arranged perpendicular to the top roller.

With regard to claim 17, a portal-shaped pressure arm 12 formed from pressure elements and the supporting element.

With regard to claim 18, the pressure element (9a, 9b) and the top roller are in a common plane.

With regard to claim 19, the invention is disclosed in one or more of the above rejected claims.

With regard to claim 20, the weighting device is pivotally mounted in the vicinity of a first pressure element (9a, 9b) of the pair of pressure elements (Figure 4).

With regard to claim 21, the top roller 4 is connected to the weighting device and is pivotable therewith.

With regard to claim 22, a housing is provided for the pressure arm.

With regard to claim 26, the housing is an integral component.

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With regard to claim 27, the housing comprises the supporting element.

With regard to claim 28, the supporting element 12 comprises a channel that is open on one side (Figure 5, air inlet and outlets).

With regard to claim 29, pneumatic lines are arranged in the channel (Figure 5; Col 6, lines 59-65).

With regard to claim 31, the housing comprises the pressure elements (9a, 9b).

With regard to claim 32, the housing comprises two holding elements (12a in Figure 3b).

With regard to claim 33, one holding element 12a is assigned to an outside of the pressure element.

With regard to claim 34, one of the holding elements 12a is attached to one of a rotating bearing and a pivot bearing 32 such that it can rotate and pivot.

With regard to claim 35, one of the holding elements can be detached from the one of a rotating bearing or pivot bearing (Figure 3b).

With regard to claim 36, a locking device 26 is provided for securing one of the holding elements.

With regard to claim 37, each pressure element (9a, 9b) is attached via at least one intermediate element (12"; Figure 4) to the one of a rotating bearing or pivot bearing.

With regard to claim 38, each pressure element (9a, 9b) is fastened detachably with at least one intermediate element to the locking device.

With regard to claim 39, a locking and unlocking device 26 is provided for the top roller 4.

With regard to claim 48, one pressure element is attached to one of the rotating bearing or pivot bearing 32 so as to rotate and pivot.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roder (U.S. 5,953,793) in view of Gohler et al. (U.S. 6,134,752).

Roder discloses the invention substantially as claimed above.

However, Roder does not disclose that the housing is fabricated from plastic.

Gohler et al. teaches a loading mechanism for the upper rolls of a drafting mechanism wherein the pressure cylinder is fabricated from plastic due to the simplicity of manufacturing and the economic benefit (Col. 1, lines 30-39). One of ordinary skill in the art would have found it obvious to further expand upon the teaching of Gohler et al. to simplify the housing of the device of Roder in order to save manufacturing cost.

With regard to claims 24-25, the plastic is a fiber reinforced plastic made by injection molding.



7. Claims 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roder (U.S. 5,953,793).

Roder teaches a locking and unlocking device as claimed above.

However, Roder does not disclose that the unlocking and locking device is a pressure tracer or a spring element.

A review of the applicant's specification does not offer any criticality for the locking and unlocking device to be a pressure tracer or a spring element.

Therefore, it would have been obvious to one of ordinary mechanical skill to replace the locking and unlocking device of Roder with another functionally equivalent locking and unlocking device, including a pressure tracer or a spring element, in order to secure the top roller during operation of the draw frame.

With regard to claim 43, the locking and unlocking device of Roder is manually operated.

#### ***Allowable Subject Matter***

8. Claims 30, 44-47 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Whitehurst '772, Mori et al. '648, Corrales '931, Strobel et al. '374 and Mandl '280 disclose various devices for drafting fiber slivers having rollers that are

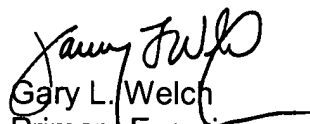
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connected to removable pressure elements. Schiltnknecht '648 discloses a locking and unlocking device for a top roller of a drafting frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (703) 305-0451. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw